

**Minutes of the City of Frederick  
Mayor and Board of Aldermen Regular Meeting**

April 16, 2020  
6:00 p.m.  
Virtual Meeting

- I. Mayor Michael O'Connor presided. Participating were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson and Ben MacShane and Alderwoman Donna Kuzemchak. Also participating were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. There was no invocation.
- IV. There were no proclamations.
- V. The minutes of the February 20, 2020 Regular Public Meeting, March 5, 2020 Regular Public Meeting, March 4, 2020 Closed Session and March 5, 2020 Closed Session were previously distributed. On a motion made by Alderman Shackelford and seconded by Alderman Wilson the Board voted 5-0 to approve the minutes of the February 20, 2020 Public Meeting. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board voted 5-0 to approve the minutes of the March 5, 2020 Public Meeting. On a motion made by Alderman Shackelford and seconded by Alderman Wilson the Board voted 5-0 to approve the minutes of the March 4, 2020 Closed Session. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board voted 5-0 to approve the minutes of the March 5, 2020 Closed Session.
- VI. The Mayor announced that a Closed Session had been held on March 5, 2020 and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.
- VII. The Mayor had no comments.
- VIII. During Aldermanic comments, Alderman Russell announced that the Washington Metropolitan Area Council of Governments Transportation Planning Board had awarded \$80,000 to the City of Frederick for the design of the Phase 3 Bypass of the Rails and Trails project. She also wished the Mayor's executive assistant Gayon Sampson a happy birthday.  
  
Alderman Shackelford also wished Mr. Sampson a happy birthday.
- IX. There were no public comments.
- X. Consent Agenda

A. Permission to Serve Alcohol

Consent agenda item A.1, concerning a request from the Brewers' Association of Maryland

to serve beer and wine at the Maryland Craft Beer Festival event at the Marc Train Lot on May 9, 2020, was pulled from the agenda prior to the meeting.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 consent agenda item A.2:

2. Request from the Rotary Club of Carroll Creek to serve beer and wine at the End of the Year Party at Carroll Creek Park Amphitheatre and Site C-2 on June 24, 2020

## B. Grants

On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda items B.1 and B.2:

1. Approval of a Grant Agreement with Maryland Historical Trust in the amount of \$22,000 for a Historic Preservation Non-Capital Grant
2. Acceptance of a Health Resource and Services Administration grant in the amount of \$57,743 for operations related to Coronavirus

## C. Release of Sureties and Acceptance of Improvements

On a motion made by Alderman Shackelford and seconded by Alderman Russell the Board approved 5-0 consent agenda items C.1 – C.4:

1. Approval to release Truist Bank (formerly BB&T) LOC in the current amount of \$150,887.30 posted by East Side Story, LLC, to guarantee Public Improvements to Riverside Corporate Park, Lots 101-116, further described in PWA dated 05/02/06 and acceptance of Progress Court, Station 10+00 to 16+71 into the City's System.
2. Approval to release Truist Bank (formerly BB&T) LOC in the current amount of \$107,467.73 posted by East Side Story, LLC, to guarantee Public Improvements to Riverside Corporate Park, Lots 101-116, further described in PWA dated 05/11/05.
3. Approval to release Truist Bank (formerly BB&T) LOC in the current amount of \$38,149.87 posted by East Side Story, LLC, to guarantee SEC/SWM to Riverside Corporate Park, Lots 101-116, further described in PWA dated 12/19/00.
4. Approval to release Eagle Bank LOC in the current amount of \$103,652.95 posted by Market Square at Frederick LLC., to guarantee Mass Grading and SWM to Market Square at Frederick, Phase 1B, further described in PWA dated 05/10/11. *(Note: This PWA/Surety has been replaced by JBGR/Stanford Frederick, LLC and F/S Frederick Market Square, LLC and is now covered by new PWA/Surety dated 02/25/2020.)*

## D. Special Ordinances

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda items D.1 and D.2:

1. Special Ordinance S-20-05 to amend the FY 2020 budget to include the use of the Childcare Provider Assistance Reserve Fund

2. Special Ordinance S-20-06 to amend the FY 2020 budget to include revenues and associated expenditures for a Health Resource and Services Administration Grant for operations related to coronavirus

## XI. Public Hearing

1. On a motion made by Alderman Wilson and seconded by Alderman Russell the Board approved 5-0 Ordinance G-20-07 to amend the FY 2020 Position Schedule to remove a part-time Body Worn Camera Administrator Position and add a full-time Technology Specialist position. There were no public comments.
2. On a motion made by Alderman Wilson and seconded by Alderman MacShane the Board approved 5-0 an Agreement with Gray & Pape, Inc. in the not-to-exceed amount of \$70,790.60 for Architectural Historian Services (RFQ 19-R). There were no public comments.
3. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 Ordinance G-20-08 for acquisition of the property located at 213 Bishops Glen Drive, Frederick, MD 21702 in accordance with the 2019-11 Affordable Housing Program. There were no public comments.
4. The Board considered an Agreement with GreenPlay, LLC in the not-to-exceed amount of \$229,999.00 and issuance of a purchase order in the amount of \$241,498.95 for development of a Comprehensive Park and Recreation Master Plan (RFP 20-J). On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board voted 5-0 to table this item for reconsideration at a later date. There were no public comments.
5. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 a purchase order in the amount of \$144,658.84 to Playground Specialists, Inc. for site improvements to Sophie and Madigan's Playground. There were no public comments.
6. Item XI.6, consideration of a request from Downtown Frederick Partnership to waive park rental fees for their Alive@5 Happy Hour Concert Series (21 dates) at the Carroll Creek Amphitheatre per Section 6-13 of the City Code, was pulled from the agenda prior to the meeting.
7. Item XI.7, consideration of a request from Downtown Frederick Partnership to waive park rental fees for their 2020 Movie Night at the Carroll Creek Amphitheatre per Section 6-13 of the City Code, was pulled from the agenda prior to the meeting.
8. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 a Memorandum of Understanding with Adeyemi Fagbohun to install a mural on the exterior of the outfield fence at Harry Gove Stadium and construct associated improvements. There were no public comments.
9. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 a Contract with CPE, Inc. and line item pricing for the Paving

Repair Program (IFB 20-2). There were no public comments.

10. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 a First Amendment to Land Lease Agreement with GTP Towers II, LLC c/o American Tower, for use of ground space located at 9450 Gambrill Park Road (Lot 7). There were no public comments.
11. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 4-1, with Alderman MacShane opposed, a Contract with Alden Bailey Restoration Corp. in the not-to-exceed amount of \$748,440 and issuance of a purchase order in the amount of \$898,560 for the City Hall Roof Replacement (IFB 20-4). There were no public comments.
12. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 a Supplemental Agreement with Maryland Department of Transportation State Highway Administration to obtain Federal funding for the Fairview Avenue bridge replacement. There were no public comments.
13. The Board considered a change order to the consulting agreement for Monocacy Boulevard with Fox and Associates, Inc. in the amount of \$282,600.00 for the Monocacy Boulevard Center Section Phase 2 project (CIP 301304) for extended consultant construction services. Following a brief discussion, the item was pulled from the agenda.
14. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 First Amendment to Memorandum of Understanding with Frederick County for the transfer, improvement and maintenance of the public roads relative to the development of the Keller Property. There were no public comments.
15. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 a Quit Claim Deed from Frederick County for Gas House Pike from the previous City limits to a point west of Iron Ridge comprised of 3,550 linear feet of roadway. There were no public comments.
16. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 Resolution 20-07 concerning climate emergency. There were no public comments.
17. On a motion made by Alderman Shackelford and seconded by Alderwoman Kuzemchak the Board approved 5-0 a Memorandum of Understanding concerning the Child Care Incentive Program. There were no public comments.
18. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 Resolution 20-08 regarding the Policies and Procedures Handbook for Employees of The City of Frederick and COVID 19. There were no public comments.
19. Item XI.19, a Special Ordinance to amend the FY 2020 budget to include the use of School Mitigation Funds for a COVID-19 Educational Enhancement Grant Program, was pulled from the agenda prior to the meeting.

- XII. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 the reappointment of Philip LeBlanc to the Sustainability Committee for a three-year term of April 3, 2020 to April 2, 2023.

On a motion made by Alderman Shackelford and seconded by Alderman Russell the Board approved 5-0 the appointment of Judy Lancaster to the Weinberg Center for the Arts, Inc. Board of Directors to complete an unexpired term through June 30, 2020 and subsequent reappointment to a full term to begin July 1, 2020.

- XIII. During Aldermanic comments and new business, Alderman MacShane thanked everyone for staying with the Board through a busy meeting, stating he felt they had caught up from the time during which public meetings had been cancelled, and addressed some important issues.

Alderwoman Kuzemchak agreed with Alderman MacShane that the Board had covered a lot of issues. She expressed her disappointment that item XI.19 had been pulled, but thanked her colleagues for beginning a discussion on how to provide assistance to students who cannot attend school due to the current health emergency. She also commented on groups making masks and noted wearing a mask will soon be required in certain businesses.

Alderman Wilson thanked his colleagues for all the work completed during the meeting. Referencing Alderwoman Kuzemchak's comments regarding masks, he encouraged residents to adhere to the Governor's executive order to wear masks in certain public settings and noted for those who may not have one that he had shared a Facebook video on how to make one.

Alderman Shackelford thanked everyone for their hard work and patience, stating he was glad to be able to continue the work of the City and thanking those who work behind the scenes to make virtual public meetings possible. He also highlighted the continued and important contributions of waste collectors and mental health professionals during this time.

Alderman Russell echoed her colleagues' comments regarding the work completed during the meeting and expressed her gratitude to City staff who put in extensive work to bring items to the Board for approval. She also expressed appreciation for City workers who are continuing to provide crucial services to City residents. Alderman Russell reflected on her own ability to stay home during this time and expressed appreciation for all those who are not able to do so, and for the heroic work of health care workers.

- XIV. The Mayor thanked the Board for their patience and willingness to work in the virtual meeting environment, imperfect though it may be. He also encouraged residents to visit the City website for information regarding COVID-19 and the local, state, and federal resources available. He also noted the April 15 deadlines for filing taxes and completing the census have been extended and encouraged residents to complete the census as it will affect funding for their local community.
- XV. There were no committee reports.
- XVI. There were no director reports.
- XVII. There were no public comments.

There being no further official business, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,  
Phyllis Hane  
Legislative Clerk